

Appl. No. 10/659,668
Amtd. dated May 5, 2004
Reply to Office Action of February 6, 2004

REMARKS

In response to the Office Action dated February 6, 2004, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-6 are pending in the present application. Claims 1-6 have been rejected. Claims 1-6 have been amended, leaving claims 1-6 for consideration claims upon entry of the present amendment. Support for the amendment can be found the entire specification.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3

Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kishimoto, US 5,424,041 (hereinafter "Kishimoto") for the reasons stated on page 2 of the Office Action. Applicants respectfully traverse.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). However, Kishimoto does not disclose or teach each and every element of independent claim 1.

Claim 1 is a method of using a complex salt as an anti-spotting detergent, comprising: reacting the complex salt with a photo-bleaching component having a water-soluble anionic substituent and a cationic surfactant. Kishimoto discloses a self-metabolic functional material such as a deodorizing compound, rather than using a complex salt as "anti-spotting detergent". Further, col. 4, lines 1-12 and 26-32 of Kishimoto disclose that the deodorizing compound includes transition metal porphyrin derivatives, and the transition metal phthalocyanine derivatives is formed with the a quaternary ammonium salt to deodorize a basic odor gas. However, Kishimoto neither discloses nor teaches reacting a quaternary ammonium salt with a photo-bleaching component in order to use the quaternary ammonium salt as an anti-spotting detergent. Thus, Kishimoto neither discloses nor teaches the feature "using a complex salt as an

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anti-spotting detergent; and reacting the complex salt with a photo-bleaching component having a water-soluble anionic substituent and a cationic surfactant", as recited in claim 1. Accordingly, Kishimoto does not anticipate or render claim 1 obvious. Claims 2-3 depend from claim 1, thus are believed to be allowable due to their dependency on claim 1.

Claim 1-2, 4 and 6

Claims 1-2, 4 and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Marr, US 5,725,649 (hereinafter "Marr") for the reasons stated on pages 2-3 of the Office Action. Applicants respectfully traverse.

Marr discloses pigment compositions, which are distinct from a method for using a complex salt as an anti-spotting detergent. Further, Marr neither discloses nor teaches the feature "reacting the complex salt with a photo-bleaching component having a water-soluble anionic substituent and a cationic surfactant", as recited in claim 1. Thus, Marr does not anticipate or render claim 1 obvious. Claims 2, 4 and 6 depend from claim 1, thus are believed to be allowable due to their dependency on claim 1.

Claims 1-2

Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as being anticipated by Frame et al., US 5,180,484 (hereinafter "Frame") for the reasons stated on page 3 of the Office Action. Applicants respectfully traverse.

Frame discloses a liquid-liquid process for sweetening a sour hydrocarbon fraction, which is distinct from a method for using a complex salt as an anti-spotting detergent. Further, Frame neither discloses nor suggests the feature "reacting the complex salt with a photo-bleaching component having a water-soluble anionic substituent and a cationic surfactant", as recited in claim 1. Thus, Frame neither anticipates nor renders claim 1 obvious. Claim 2 depends from claim 1, thus is believed to be allowable due to its dependency on claim 1.

Claims 1-2

Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as being anticipated by Torre, US 4,236,933 (hereinafter "Torre") for the reasons stated on pages 3-4 of the Office Action. Applicants respectfully traverse.

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Torre discloses a green copper phthalocyanine pigment composition suitable for rotogravure, which is distinct from the method of using a complex salt as an anti-spotting detergent. Further, Torre neither discloses nor teaches the feature "reacting the complex salt with a photo-bleaching component having a water-soluble anionic substituent and a cationic surfactant", as recited in claim 1. Thus, Torre neither anticipates nor renders obvious claim 1. Claim 2 depends from claim 1, thus is believed to be allowable due to its dependency on claim 1.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kishimoto for the reasons stated on page 4 of the Office Action. Applicants respectfully traverse.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). However, Kishimoto neither teaches nor suggests all elements of independent claim 1.

As described above, Kishimoto teaches a deodorizing compound, rather than a method of using a complex salt as an anti-spotting detergent. Further, Col. 4, lines 10-13 of Kishimoto clearly teaches that the deodorizing compound is the transition metal porphyrin derivatives itself, rather than the quaternary ammonium salt of the transition metal porphyrin derivatives. There is no teaching or suggestion in Kishimoto that a complex salt is reacted with a photo-bleaching component having a water-soluble anionic substituent and a cationic surfactant in order to be used as an anti-spotting detergent. Thus, Kishimoto neither teaches nor suggests the feature "using a complex salt as an anti-

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spotting detergent; and reacting the complex salt with a photo-bleaching component having a water-soluble anionic substituent and a cationic surfactant", as recited in claim 1. Accordingly, Kishimoto does not render claim 1 obvious. Claims 2-6 depend from claim 1, thus are believed to be allowable due to their dependency on claim 1.


Conclusion

In view of the forgoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested.

If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

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